

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

OLTHA THOMAS AUSTIN Jr.,
Petitioner,

VS.

REBECCA TAMEZ, Warden,
FCI-Fort Worth,
Respondent.

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CIVIL ACTION NO. 4:10-CV-085-Y
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ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

Before the Court is the petition for writ of habeas corpus under 28 U.S.C. § 2241 of petitioner Oltha Thomas Austin Jr., along with the May 28, 2010, findings, conclusions, and recommendation of the United States magistrate judge. The magistrate judge gave the parties until June 16 to file written objections to the findings, conclusions, and recommendation. As of the date of this order, no written objections have been filed.

The Court has reviewed the pleadings and the record in this case, and has reviewed for clear error the proposed findings, conclusions and recommendation. The Court concludes that, for the reasons stated by the magistrate judge, the motion to dismiss of respondent Tamez should be granted, and the petition for writ of habeas corpus should be denied.

Therefore, the findings, conclusions and recommendation of the magistrate judge are ADOPTED.

The motion to dismiss (docket no. 6) is GRANTED.

Petitioner Oltha Thomas Austin Jr.'s Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 is DENIED.

SIGNED June 23, 2010.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE